



November 27, 2018

Sent via Electronic Mail

Fresno City Council
2600 Fresno St.
Fresno, CA 93721

RE: Council Agenda Items 3-B, ID 18-1419, General Plan Environmental Impact Report & 3-C, ID 18-1420, Industrial Area Specific Plan

Dear Council President Soria and Council Members,

The undersigned organizations submit the following comments in response to agenda items *3-B ID18-1419* regarding the General Plan Environmental Impact Report ("EIR") and *3-C ID18-1420* regarding the Industrial Area Specific Plan ("IASP") EIR. These EIRs and the IASP have the potential to significantly impact public health, housing stability, community well-being, and access to opportunity in some of the state's most pollution-burdened communities as well as the City of Fresno as a whole and the Fresno County region. It is of utmost importance the City proactively and meaningfully engage the public, and especially the neighborhoods in the proposed IASP area and other areas which stand to be impacted, in the development of the documents to ensure that those documents fully reflect and respond to the community members' concerns and priorities.

1. Status and Content of the Industrial Area Specific Plan

As a preliminary matter, we note that based on our knowledge, the City has not prepared or released to the public a draft of the IASP nor initiated any sort of public process for the development of the IASP. The City cannot analyze the environmental impacts of a plan which has not yet been created and so the City's proposal to hold a scoping meeting and initiate an EIR for the plan this winter is premature.

Second, to our knowledge, the City has not provided the public generally, or communities within the proposed IASP area boundaries, with *any* information about the proposed plan, including but not limited to the City's plans to engage impacted stakeholders and the public in the plan's development; the purpose of the plan; any proposed content or themes; names of responsible staff or consultants; and timeline and steps for plan development. Before proceeding with an EIR for the IASP, the City must provide this information to the public and engage in a robust outreach process that ensures that the thousands of residents of the proposed plan area have the opportunity to shape the plan's development. This includes but is not limited to portions of Southeast and Southwest Fresno, Calwa, Malaga, Daleville, the Flamingo Mobile Home Park, Malaga Avenue, and the numerous residences within the study area that are outside of the City's Sphere of Influence. Failure to do so, and the adoption of a plan focused on industrial development in these neighborhoods without regard for community priorities and without adequate mitigation, could result in violations of state and federal fair housing and civil rights laws. See e.g., Gov. Code Sec. 12955(l); 11135; 65008.

We also question the inclusion of multiple neighborhoods and disadvantaged unincorporated communities, all with unique characteristics, needs, and priorities, within one specific plan, as well as the proposed plan name, "Industrial Area Specific Plan," which fails to acknowledge the existence of neighborhoods with names and with realities and futures that are far more than industrial centers.

Any plan must reflect the priorities and vision expressed by the residents of those communities during a public process. These priorities may include but are not limited to those typically studied in community and specific plans, such as the attainment of basic infrastructure and services such as clean drinking water and community sewer systems; active transportation infrastructure and safety measures; access to commercial retail and services; educational and health care opportunities; environmental health; housing opportunities; zoning changes and overlay districts; and processes and standards for annexations, given the inclusion of unincorporated areas within the proposed plan boundaries.

2. EIR Development Process and Content

The City must deeply involve the public in the development of the IASP EIR and General Plan MEIR update themselves. Given the extreme levels of existing pollution burdens within the IASP area and other areas of Fresno and the potential for the IASP and the City's industrial development plans to exacerbate those burdens, the City must plan for and dedicate sufficient

resources to engage community members and impacted stakeholders from the IASP area and other impacted neighborhoods to ensure that the EIRs accurately and comprehensively reflect localized impacts and include all appropriate and feasible mitigation. In addition, the City should provide information to and seek input from the General Plan District Implementation Committees, including in particular those with boundaries that overlap with the proposed IASP boundaries. Also to facilitate public engagement, we also urge the City to modify the MEIR update timeline to release the NOP and hold a scoping meeting after the holiday season.

Though we appreciate the indication in the proposed consulting agreement for the IASP EIR that the City may potentially translate the Notice of Preparation (NOP) into Spanish, the City must recognize that the neighborhoods in the IASP area have high rates of linguistic isolation and several other languages are spoken in the IASP area, including several API languages. To ensure that residents have meaningful opportunity to provide input and compliance with state language access and civil rights laws, the City must ensure translation of all notices for both the IASP and General Plan MEIRs into commonly spoken languages areas proposed for study.

The IASP MEIR scope of work also fails to identify certain impacts which must be studied and mitigated in addition to the substantive topics listed. We recommend the following modifications to each section to address these deficiencies:

- I. Overall: In addition to studying “conflicts” of land use with existing communities, the specific plan should thoroughly assess the compatibility of current zoning and pre-zoning of the IASP area given the existing sensitive land uses and consider changes that promote housing stability, public health, and community well-being. Currently the project map extends south of the current sphere of influence, which includes several disadvantaged unincorporated communities, which must not be planned for industrial use.
- II. Population and Housing — The EIR must assess displacement potential of existing residents as a result of significant project impacts that deteriorate housing quality and quality of life within homes.
- III. Public Services and Recreation — The EIR must consider service extension requirements and options associated with applicable laws like SB 244 as annexations are proposed next to existing unincorporated neighborhoods that are served by wells and septic systems.
- IV. Transportation — The scope of work indicates that no analysis of alternatives is included in the consulting agreement proposal. The MEIR must assess alternative roadway options that reduce impacts on people, such as by restricting truck routes to roads without existing communities.

- V. Transit, Bicycle, and Pedestrian — The scope of work states that KDA will describe existing and planned facilities in the area. The City must also study traffic safety impacts on pedestrians given existing and projected infrastructure conditions, including, but not limited to, children who walk to and from Orange Center Elementary School.

Furthermore, the EIR must not relegate its analysis of project impacts on communities solely to an Environmental Justice section. These impacts and their effect on public health must be considered and mitigated in each section of the EIR. Each EIR section should also include an assessment of potential construction impacts, such as noise, vibration, traffic, and air quality impacts, and feasible mitigation measures.

With respect to the General Plan MEIR Scope of Work, we also recommend the following additions to the subjects to be studied:

- I. Air Quality — The scope of work indicates that this section is to be based on the General Plan EIR analysis and findings of specific plans -- the City must ensure that the analyses used are reflective of current conditions given recent development and changes in environmental conditions. In addition, the draft scope of work proposes to conduct a Health Risk Assessment only by certain freeways. To accurately measure health risks associated with air quality impacts, this analysis must also include truck routes located next to sensitive receptors, such as Central and Jensen Avenues. Given the City's plans for new industrial development, the analysis should also consider impacts of location of new industrial developments next to sensitive land uses, not only the impacts of the location of new sensitive land uses near industrial facilities.
- II. Noise Analysis — Analysis and mitigation efforts should include construction noise. Current noise levels have serious unmitigated impacts on the community. During the construction of the Amazon Distribution Facility, the noise resulted in permanent loss of hearing in one ear for a nearby resident.
- III. Transportation — Mitigation measures assessed must not be limited to Capital Improvement Programs and General Plan policies, as those programs and policies do not address the impacts of planned development in many impacted neighborhoods.
- IV. Utilities and Service Systems — The analysis must include not only the ability to serve the project but also the impact on service access for surrounding uses. For instance, City water usage directly impacts residences and businesses immediately outside of City limits which rely on shallow domestic wells.

Thank you for your time and consideration of our comments. If any questions arise, you can reach me at gelenes@leadershipcounsel.org or (559) 369-2790.

Sincerely,

Grecia Elenes	Laura Moreno
Leadership Counsel for Justice and Accountability	Friends of Calwa

Sandra Celedon-Castro	Dolores Weller
Fresno Building Healthy Communities	Central Valley Air Quality Coalition

Venise Curry	Kevin Hamilton
Communities for a New California Education Fund	Central California Asthma Collaborative

Nyamin Martinez
Central California Environmental Justice Alliance